

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT
3 NORTHERN DIVISION
4 UNITED STATES OF PLAINTIFF
5 AMERICA
6
7 VS. CASE NO.
8
9

10 STATE OF MISSISSIPPI DEFENDANT
11
12 *****
13 DEPOSITION OF STEVEN ALLEN
14 *****
15 Taken at offices of Phelps Dunbar
16 4270 I-55 North
17 Jackson, Mississippi
18 on Thursday, June 14, 2018,
19 beginning at approximately 8:55 a.m.
20
21 (APPEARANCES NOTED HEREIN)
22
23
24 Reported by:
25 Julie Brown, CCR 1587

<p style="text-align: right;">Page 46</p> <p>1 A. I'm not sure as far as the commitment 2 coordinator specifically.</p> <p>3 The next one is the crisis therapist. And 4 yes, you know, there would be opportunities for 5 that. The SOAR benefit specialist, you've got the 6 housing, things going on to be able to tap into and 7 make sure that people get their benefits, so...</p> <p>8 Medicaid is part of the solution, yeah.</p> <p>9 Q. So, for some of the services through 10 Region 2, they could also receive Medicaid --</p> <p>11 A. I believe so.</p> <p>12 Q. -- reimbursement?</p> <p>13 And Region 4 requested funds, it looks like 14 for a PACT team?</p> <p>15 A. Yes.</p> <p>16 Q. How much --</p> <p>17 A. Region 4 is getting \$400,000.</p> <p>18 Q. 400,000.</p> <p>19 How much have PACT team grants typically 20 been for in the state?</p> <p>21 A. I believe it's more than that. This 22 is -- if I remember right, it's -- I think Jason 23 referred to it as a mini PACT team. It's not going 24 to be the whole encompass. It's more than one 25 county scattered out. I'm not real sure how that's</p>	<p style="text-align: right;">Page 48</p> <p>1 attachment, it's a chart of how the community 2 expansion funds will be used. The budget has a 3 columns for funding source. And they have, on the 4 federal funding source, zero all down the line, 5 including for the mobile intensive therapist 6 positions, which are rows 6, 7 and 8.</p> <p>7 A. Yeah.</p> <p>8 Q. Do you know if there were any 9 conversations with Region 6 about anticipated 10 Medicaid funding for these positions?</p> <p>11 A. Not with me.</p> <p>12 Q. Did you ask Jake or anyone in the Bureau 13 of Community Services about Medicaid funding for 14 this expansion?</p> <p>15 A. I did not.</p> <p>16 Q. Based on your understanding of how the 17 community support specialist service works, could 18 that service be billed for these intensive community 19 services?</p> <p>20 A. Okay. I personally have not dug deep 21 down to understand their business model, so I don't 22 know.</p> <p>23 Q. The Region 12 proposal was for increased 24 staffing at Westway CSU?</p> <p>25 A. Uh-huh (affirmative response).</p>
<p style="text-align: right;">Page 47</p> <p>1 going to operate. Jake Hutchins worked with them to 2 do that.</p> <p>3 Q. So they're receiving less funds than a 4 typical PACT team grant has been?</p> <p>5 A. They have PACT team in their region now. 6 This is sort of a mini version for different areas, 7 I guess. I don't know specifically.</p> <p>8 Q. Do you know if other states that operate 9 PACT or ACT give grants to each of the teams that 10 operate?</p> <p>11 A. I do not. I do know every state is 12 different.</p> <p>13 Q. I hear that a lot.</p> <p>14 Looking at Region 6 --</p> <p>15 (Off the record.)</p> <p>16 (Whereupon, Exhibit No. 892 marked for 17 identification.)</p> <p>18 BY MS. FOX:</p> <p>19 Q. So I've just given you Exhibit 892, which 20 is MS 115145 and 115146. It's a cover e-mail and 21 attachment --</p> <p>22 A. Okay.</p> <p>23 Q. -- that describes Region 6's proposal.</p> <p>24 A. Uh-huh (affirmative response).</p> <p>25 Q. And if you look at Bates 2 of the</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. I have some documents about that if you 2 need a reminder, but do you remember anything more 3 about what they were trying to accomplish?</p> <p>4 A. I'd like to review before I --</p> <p>5 Q. Okay. No problem. I think that's tab 6 37.</p> <p>7 MS. FOX: 893.</p> <p>8 (Whereupon, Exhibit No. 893 marked for 9 identification.)</p> <p>10 BY MS. FOX:</p> <p>11 Q. So I've just handed you Exhibit 893, 12 which is MS 00144806.</p> <p>13 A. Okay.</p> <p>14 Q. So what was your understanding of what 15 they're trying to do in Region 12?</p> <p>16 A. All right. I don't remember if I had a 17 specific conversation with Jerry, but my 18 recollection was certainly they wanted enough staff 19 available for people who may be violent. Region 12, 20 I believe would screen people on paper prior to them 21 getting there.</p> <p>22 If there was a history of violence, they 23 were a little leery about accepting the person at 24 face value with the number of staff that they had 25 available at the CSU. They wanted some resources</p>

<p style="text-align: right;">Page 66</p> <p>1 those continued treatment, behavioral health home, 2 community transition piece of it. But until we 3 actually have some data that shows we can take that 4 next step, we're just going to have to get this 5 established and go from there.</p> <p>6 Q. In the current plans for next year's 7 budget, are you planning to continue the 10 million 8 that's moved on the community side?</p> <p>9 A. Yes.</p> <p>10 Q. And, in the current thinking, I 11 understand it's not the final budget, are you 12 planning any further shifts in the next year?</p> <p>13 A. Nothing is finalized. I would hate to 14 speak for Ms. Mikula, but we had conversations of 15 how we might accomplish some of that.</p> <p>16 Q. So the hope is to move additional funds?</p> <p>17 A. Nothing is final.</p> <p>18 Q. I understand that.</p> <p>19 A. I don't want to speak for my boss 20 because, you know, it's -- ultimately we're trying 21 to figure out how to do that, so...</p> <p>22 Q. Okay.</p> <p>23 A. But it's hard when you're doing a budget 24 and you just got the money and you don't see the 25 result. I mean, I'm just being honest.</p>	<p style="text-align: right;">Page 68</p> <p>1 what peer support truly is.</p> <p>2 So I was certainly privy to phrases and 3 titles and things like that, programs, but not 4 specific what was going on because it wasn't my 5 wheelhouse.</p> <p>6 Q. So you were exposed to the big picture 7 of --</p> <p>8 A. Yes.</p> <p>9 Q. -- what was going on within the agency?</p> <p>10 A. Yes.</p> <p>11 Q. And if there was a major change happening 12 at the agency, you would hear about it at the Board 13 meetings?</p> <p>14 A. After the fact, yes.</p> <p>15 Q. While you were at Boswell, did you get a 16 reputation as a leader in the ability to build 17 support for services in the community?</p> <p>18 A. You could probably answer that better 19 than I could.</p> <p>20 Q. Why do you think that Ms. Mikula chose 21 you to be the deputy director after Mr. Armstrong 22 retired?</p> <p>23 A. I still haven't figured that out.</p> <p>24 MR. SHELSON: Object to the form of the 25 question.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. Yes. The timing is difficult?</p> <p>2 A. It is.</p> <p>3 Q. Taking a step back to your time before 4 you took on this role, as the director at Boswell, 5 did you attend the monthly Board meetings at the 6 Department of Mental Health?</p> <p>7 A. Yes.</p> <p>8 Q. Prior to your time as the director, did 9 you ever attend the Board meetings?</p> <p>10 A. Routinely. Not every, but most every.</p> <p>11 Q. So for how many years would you say 12 you've been attending Board meetings?</p> <p>13 A. A permanent fixture, probably since 2011 14 or so, but before that sporadically.</p> <p>15 Q. About as long as I've been coming to 16 Mississippi?</p> <p>17 A. Maybe before.</p> <p>18 Q. And, in your participation in the Board 19 meetings, did you learn about what was going on 20 across the whole agency?</p> <p>21 A. You know, you would hear snippets. For 22 example, when I was at Boswell I would hear about 23 peer support, but until you truly sit down and 24 understand and train and work with the people that's 25 involved in peer support, do you really understand</p>	<p style="text-align: right;">Page 69</p> <p>1 You can answer.</p> <p>2 A. I don't have a clue. You'll have to ask 3 her that. I ask her that every day.</p> <p>4 BY MS. FOX:</p> <p>5 Q. Does anyone track the proportion of 6 funding within DMH that's spent on the community 7 versus in the institutions?</p> <p>8 A. Kelly Breland.</p> <p>9 Q. Is there a regular report on that 10 breakdown?</p> <p>11 A. I don't know if there's a regular report 12 that says institutional community, federal, state. 13 There's certainly resources to look at that and -- 14 but as far as a regular report, I'm not aware of 15 one.</p> <p>16 Q. Have you looked at that breakdown 17 specifically as it relates to the mental health 18 services?</p> <p>19 A. It's been a while. I have reviewed the 20 information, but it's been a while.</p> <p>21 Q. Who prepared that for you when you looked 22 at that information?</p> <p>23 A. It may have actually been on one of the 24 budget that -- whatever it is that you go on on our 25 common drive. I don't know, but there's access to</p>

<p style="text-align: right;">Page 162</p> <p>1 opportunity for them. I had a thought, but it left. 2 It's probably a good thing. 3 Q. Looking at Bates 36, on the top of the 4 page, it indicates, "And certain services geared 5 towards deescalating and stabilizing crisis 6 situations in lieu of inpatient admission and in 7 locations other than CMHCs." 8 And I think that refers to data on Bates 9 34. There's a chart. I think it's two pages 10 earlier, actually. It's Bates 34. About the 11 location of service for uncertain. 12 Sorry. It's on Bates 31. There's a graph 13 at the top that shows where the mobile crisis was 14 being provided. "The significant majority of 15 filling, at least in 2013 and 2014, was in the CMHC, 16 the location of service rather than in the home or 17 in another location." 18 And TAC was recommending greater focus on 19 the mobility aspect of mobile crisis. 20 Are you aware of any efforts to increase 21 the access to truly mobile crisis? 22 A. This report is using 2013 and '14 data. 23 The feedback I get from Community Mental Health 24 Centers is they're in conjunction with CIT teams and 25 they're boots on the ground 24/7.</p>	<p style="text-align: right;">Page 164</p> <p>1 Regional Center when that happened. 2 Q. Would it benefit DMH to use 3 recommendations from a group that came in to look at 4 this system and provide recommendations for 5 improvement? 6 A. I think it's good information, but it's a 7 draft report, which tells me it's not a final 8 report. 9 Q. Did DMH make the decision not to finalize 10 that report? 11 A. I have no idea. 12 Q. Have you ever heard of an Olmstead Plan? 13 A. Have I heard of an Olmstead Plan? 14 Q. Yes. 15 A. Sure. 16 Q. What is it? 17 A. An Olmstead Plan? 18 Q. Yes. 19 A. I guess the definition of it would be a 20 plan of how to create a system to allow people to 21 live, work, and play in their own community of their 22 choice. 23 Q. Does Mississippi have an Olmstead Plan? 24 A. I've never seen one. 25 Q. What planning efforts does DMH currently</p>
<p style="text-align: right;">Page 163</p> <p>1 Q. Have you looked at any data or is that 2 based on their reports? 3 A. That's based on feedback that I receive. 4 I have not looked at data. 5 Q. Looking at Bates 58 in the first 6 paragraph under the heading recommendations, it 7 says, "State hospital should not be viewed apart 8 from the community mental health system or as an 9 adversary to the CMHCs." 10 Do you think that the State hospitals 11 currently are viewed as apart from the CMHCs? 12 A. Not in my opinion. 13 Q. And you're not aware of anything at this 14 time that's inaccurate about the report? 15 MR. SHELSON: Object to the form of the 16 question. 17 You can answer. 18 A. I have not personally looked through the 19 validity of the report, but it's a 2014 draft. I 20 don't put a whole lot of stock in the accuracy of 21 it. 22 BY MS. FOX: 23 Q. Did DMH provide the data and Division of 24 Medicaid provide the data? 25 A. I have no idea. I was at Boswell</p>	<p style="text-align: right;">Page 165</p> <p>1 undertake? 2 You have a strategic plan, I assume that's 3 one of your ways for planning into the future. Is 4 that true? 5 A. Yes. 6 Q. Are there any other planning efforts 7 through DMH? 8 A. Is there a formalized report of a 9 planning? No, not to my knowledge. 10 Q. How do you use the strategic plan? 11 A. Personally? 12 Q. Yes. 13 A. To make sure -- about all that I do is 14 just make sure that the direction of the agency is 15 reflected in the strategic plan. I do not compare 16 data. 17 Q. What is an indicator to you if the 18 direction of the agency is reflected in the 19 strategic plan? 20 A. By the heading. 21 (Whereupon, Exhibit No. 48 marked for 22 identification.) 23 BY MS. FOX: 24 Q. You've just received an exhibit 25 previously marked as Exhibit 48, USDOJ 0001480.</p>